

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK MATTHEWS,

Plaintiff,

v.

DEMITA PINCHBACK, et al.,

Defendants.

No. 2:22-cv-1329 DJC KJN P

ORDER

Plaintiff, a state prisoner proceeding through counsel, filed this civil rights action seeking relief under 42 U.S.C. § 1983. On November 17, 2023, the district court dismissed plaintiff's first cause of action against defendant Pinchback as barred by the statute of limitations, and also dismissed plaintiff's fourth through seventh causes of action against defendant Pinchback with leave to amend. In light of the district court's order, the undersigned vacates that portion of the order directing CDCR defendants to file a motion on statute of limitations or exhaustion grounds within fourteen days after the district court's order. (ECF No. 61.) Once plaintiff files an amended complaint, the undersigned will issue a further order addressing the amended complaint. The court confirms that CDCR defendants remain allowed to file an early motion on exhaustion and statute of limitations grounds, pursuant to the parties' stipulation and order adopting same (ECF No. 50).

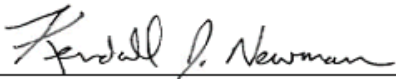
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Accordingly, IT IS HEREBY ORDERED that:

1. The undersigned vacates that portion of the order (ECF No. 61) directing CDCR defendants to file a motion on statute of limitations or exhaustion grounds within fourteen days after the district court's order (ECF No. 62); and

2. The CDCR defendants are relieved of their obligation to file a motion on statute of limitations or exhaustion grounds until further order of court.

Dated: November 27, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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